

SENATE No. 2628

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, April 1, 2024.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 176) of Anne M. Gobi, Deborah B. Goldberg, Treasurer and Receiver General and Lindsay N. Sabadosa for legislation to modernize the Massachusetts alcohol laws; (accompanied by bill, Senate, No. 177) of Anne M. Gobi and Patrick M. O'Connor for legislation to extend pandemic-related relief for dining establishments; (accompanied by bill, Senate, No. 221) of John C. Velis for legislation to promote economic recovery for restaurants and bars; (accompanied by bill, House, No. 295) of Paul K. Frost relative to providing for permanent alcoholic beverage takeout; (accompanied by bill, House, No. 299) of William C. Galvin and Natalie M. Higgins for legislation to extend pandemic related relief for dining establishments to allow cocktails-to-go; (accompanied by bill, House, No. 302) of Denise C. Garlick relative to extending pandemic-related relief for dining establishments by allowing for the delivery of certain alcoholic beverages; (accompanied by bill, House, No. 365) of Joseph W. McGonagle, Jr., relative to extending pandemic-related relief for dining establishments by allowing for the delivery of certain alcoholic beverages; and (accompanied by bill, House, No. 3782) of Mike Connolly relative to the sale of food and alcoholic beverages by restaurants and bars and for the establishment of a special commission (including members of the General Court) of the promotion and discounted sale of alcoholic beverages, report the accompanying bill (Senate, No. 2628).

For the committee,
John J. Cronin

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**In the One Hundred and Ninety-Third General Court
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An Act modernizing the Massachusetts alcohol laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 12 of chapter 138 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out wherever they so appear the words:- “and
3 contiguous”.

4 SECTION 2. Chapter 138 of the General Laws, as so appearing, is hereby amended by
5 inserting after section 15A the following section:-

6 Section 15A 1/2. Notwithstanding the second paragraph of section 15A, an applicant for
7 an original license under section 12 for a change in the description of a licensed premises to
8 include outdoor seating or expand outdoor seating only, shall file its application in paper or
9 electronically to the local licensing authority and the local licensing authority shall post within
10 24 hours on its website that there is an applicant desiring to change description and said posting
11 shall serve as notice to the public. The applicant shall provide an in-person or automated
12 telephone call, electronic mail or provide a paper notice by hand delivery within 24 hours of
13 application to any school, which gives not less than the minimum instruction and training to

14 children of compulsory school age required by chapter 71, or church or hospital that is located
15 within a radius of 500 feet from said premises. The notice sent to such school, church or hospital
16 shall indicate the necessity of a written objection to prevent the issuance or transfer of such
17 license under the provisions of section 16C. The applicants shall provide an in-person or
18 automated telephone call, electronic mail or paper notice by any means to all abutters within two
19 hundred feet of the applicant within 24 hours of application. Nothing in this section shall
20 preclude either the local licensing authority and the applicant from also posting notice on any
21 social media platform or public or private websites to serve as additional notice to the public of a
22 public hearing. An affidavit of the applicant providing the notice together with an attested copy
23 of completion of notification including the method of disclosure used in paper or electronic form
24 to the office of the local licensing authorities, and a certified copy of such affidavit shall be
25 prima facie evidence that such notice is in compliance with this section.

26 The local licensing authority shall hold a public hearing within 5 business days after the
27 receipt of completion of notification of delivery of notice by the applicant or receipt of an
28 affidavit that none of the notice requirements are applicable. The local licensing authority shall
29 be authorized to render a decision the same day as the public hearing; provided however, the
30 local licensing authority must render a decision within 48 hours after the completion of the
31 public hearing. The relevant municipality may require other approvals or licensing. Nothing
32 herein shall be construed to limit the municipality from having such additional processes.

33 Nothing herein contained shall be construed to prohibit a licensee whose license has been
34 cancelled by the local licensing authorities under authority contained in this section from
35 appealing to the commission as provided in section 67. The local licensing authority shall submit

36 its decision, the applicant’s application, and all supporting documentation within 24 hours in
37 paper or electronically to the commission.

38 The commission shall take receipt of the local licensing authority decision and
39 applicant’s application in paper or electronic form and if the applicant is compliance with the law
40 and commission’s regulations and guidelines, shall approve decision within 24 hours of receipt
41 and those not in compliance shall be rejected; provided that, if in the judgement of the
42 commission that the application can be remedied in a timely manner not to exceed 30 days a
43 provisional license shall be issue subject to completion of the remedy by a date set by the
44 commission; and provided that, should an applicant be rejected, said applicant shall be informed
45 of the reason for the rejection and be given 48 hours be in compliance for approval. In lieu of an
46 in-person site visit by an investigator, an investigator may conduct an inspection through Internet
47 video streaming, photographs or websites providing sufficient detail maps of the applicant’s
48 address and proposed outdoor boundaries. An approval by the commission does not preclude the
49 commission from conducting in-person site visits and further review in the future and taking
50 appropriate action to enforce compliance.

51 SECTION 3. Subsection (n) of section 19B of chapter 138 of the General Laws, as so
52 appearing, is hereby amended by striking out the words:- “and contiguous”.

53 SECTION 4. Subsection (n) of section 19C of chapter 138 of the General Laws, as so
54 appearing, is hereby amended by striking out the words:- “and contiguous”.

55 SECTION 5. Subsection (o) of section 19E of chapter 138 of the General Laws, as so
56 appearing, is hereby amended by striking out the words:- “and contiguous”.

57 SECTION 6. Section 19H of chapter 138 of the General Laws, as so appearing, is hereby
58 amended, in line 11, by striking the words:- “and contiguous”.

59 SECTION 7. Section 67 of chapter 138 of the General Laws, as so appearing, is hereby
60 amended, in line 7, by striking out the word “five” and inserting in place thereof the following
61 words:- ten business.

62 SECTION 8. (a) There shall be a special commission to examine permanent reforms to
63 further enable outdoor dining and alcoholic beverages “to go” in the commonwealth. The
64 commission shall consist of the following 13 members: the chairs of the joint committee on
65 consumer protection and professional licensure, or designees, who shall serve as chairs; the
66 commission chair of the alcoholic beverages control commission, or a designee; the
67 commissioner of the division of occupational licensure, or a designee; 1 member appointed by
68 the Massachusetts Restaurant Association; 1 member appointed by the Massachusetts Municipal
69 Association; 1 member appointed by the Disability Law Center; and 2 members appointed by the
70 senate president, 2 members appointed by the speaker of the house, 1 member appointed by the
71 senate minority leader, and 1 member appointed by the house minority leader, with roles in
72 municipal management or economic development from geographic regions throughout the
73 commonwealth. All appointments shall be made not later than 30 days after the effective date of
74 this section. Members of the commission shall serve without compensation.

75 (b) The commission shall review outdoor dining requirements and infrastructure needs.
76 The commission shall make recommendations to modify licensure requirements including, but
77 not limited to: (i) streamlining licensure requirements where appropriate; (ii) improving
78 application and renewal processes; and (iii) maintaining community input. The commission shall

79 further make requirements on infrastructure needs including, but not limited to: (i) additional
80 needs related to building code compliance and compliance review; (ii) best methods to aid
81 businesses and municipalities to transition facilities and spaces to accommodate additional
82 outdoor dining demand; (iii) improving disability accessibility; and (iv) compliance and training
83 associated with disability accessibility requirements.

84 (c) The commission shall report on any recommendations as to the permanence of
85 offering alcoholic beverages to go in the Commonwealth. The commission shall make
86 recommendations relative to the Commonwealth's emergency pandemic provisions that allowed
87 licensed establishments to sell cocktails to go in sealed containers and pre-sealed wine and malt
88 beverages in conjunction with a food meal order, as well as research from other states
89 authorizing cocktails to go, economic benefits of cocktails to go, third party delivery platforms,
90 and public health and safety considerations potentially associated with cocktails to go.

91 (d) The commission shall meet not less than 4 times.

92 (e) No later than October 15, 2024, the commission shall submit a report and
93 recommendations, if any, together with drafts of legislation necessary to carry those
94 recommendations into effect by filing the same with the clerks of the house of representatives
95 and the senate, the house and senate committees on ways and means, and the joint committee on
96 consumer protection and professional licensure.